

COON RAPIDS PLANNING COMMISSION MEETING OF NOVEMBER 21, 2013

CALL TO ORDER

The regular agenda meeting of the Coon Rapids Planning Commission was called to order by Chair Geisler at 6:30 p.m.

Members Present: Chair Jenny Geisler, Commissioners Cedric Lattimore, Jonathan Lipinski, Donna Naeve, Wayne Schwartz, Zachary Stephenson and Julia Stevens.

Members Absent: None.

Staff Present: Community Development Director Marc Nevinski; Planner Scott Harlicker; and, Assistant City Attorney Doug Johnson.

PLEDGE OF ALLEGIANCE

Chair Geisler led the Commission in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

MOTION BY COMMISSIONER SCHWARTZ, SECONDED BY COMMISSIONER STEVENS, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED (LATTIMORE ABSTAINED).

APPROVAL OF THE OCTOBER 17, 2013 REGULAR MINUTES

Commissioner Naeve requested a correction to the minutes noting Commissioner Schwartz had three corrections to the September 19th minutes. These corrections were noted for the record. She then requested a change to Page 2 of the October 17, 2013 minutes, clarifying her statement indicating she was offering information on the housing and was not requesting further comment from staff.

MOTION BY COMMISSIONER NAEVE, SECONDED BY COMMISSIONER LIPINSKI, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF OCTOBER 17, 2013, AS CORRECTED. THE MOTION PASSED (LATTIMORE ABSTAINED).

OLD BUSINESS

1. PLANNING CASE 13-24 - SITE PLAN FOR 610 EXPRESS – 430 COON RAPIDS BOULEVARD – PUBLIC HEARING
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The applicant has requested that this item be postponed to the December 19th Planning Commission meeting.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER SCHWARTZ, TO CONTINUE THE PUBLIC HEARING TO THE DECEMBER 19, 2013 PLANNING COMMISSION MEETING. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

2. PLANNING CASE 13-28 - CONDITIONAL USE PERMIT – AUTO RENTAL FACILITY – 3325 124TH AVENUE – AVIS BUDGET GROUP – PUBLIC HEARING

It was noted the applicant is requesting a Conditional Use Permit for an auto rental facility located at 3325 124th Avenue (Pep Boys Auto Parts building). They will be sharing space with Pep Boys in the existing building. Staff reviewed the case further and recommended approval of the conditional use permit for an auto rental facility.

Chair Geisler opened and closed the public hearing at 6:36 p.m., as no one wished to address the Planning Commission.

Commissioner Naeve questioned if it would be appropriate to mark the parking spaces that would be designated for the auto rental facility. Planner Harlicker stated this could be added as a condition for approval.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 13-28, THE CONDITIONAL USE PERMIT FOR THE AUTO RENTAL FACILITY, WITH THE FOLLOWING CONDITION:

1. DESIGNATION OF PARKING SPACES BOTH ON SITE PLAN AND ON SITE.

THE MOTION PASSED UNANIMOUSLY.

This is a decision made by the Planning Commission and shall stand unless appealed to the City Council within ten days after notification of the decision.

3. PLANNING CASE 13-30 – CONDITIONAL USE PERMIT – PLACE OF WORSHIP – 10731 HANSON BOULEVARD – NORTH POINT CHURCH – PUBLIC HEARING

It was noted the applicant is requesting a Conditional Use Permit to operate a place of worship in the building located at 10731 Hanson Boulevard. Staff reviewed the case in detail noting there were some concerns with the parking needs on this site. He discussed how the site would be altered to meet the City's parking requirements, and it was recommended the Commission approve the conditional use permit for a place of worship with conditions.

Commissioner Stevens questioned if the landscaping on this site would be upgraded. Planner Harlicker commented this would be addressed when the site was brought into compliance. He explained the Commission could add this as a condition for approval.

Assistant City Attorney Johnson explained a concern with this site was that there was currently pavement where it should not be. He indicated the pavement would have to be removed in order

for the landscaping to be completed. For this reason, he suggested the landscaping compliance align with the parking lot completion.

Commissioner Stephenson asked if the applicant had requested any signs along with the conditional use permit. Planner Harlicker stated this had not been done, and would require a separate application by North Point Church.

Chair Geisler opened the public hearing at 6:49 p.m.

Ron Touchette, 7078 East Fish Lake Road in Maple Grove, explained he was a representative of North Point Church. He thanked the Commission for considering North Point Church's application this evening. He then commended City staff for their efforts and assistance in preparing for this evening's meeting.

David DeVel, 13628 Hidden Creek in Andover, commented he was the Pastor of North Point Church. He discussed the plans for his church and congregation. He explained one goal for his church would be for the community to be a blessing to the City of Coon Rapids. He thanked the Commission for considering his request.

Mr. Touchette reported he and Pastor DeVel had met with the neighbors and these members of the community were excited to hear about the renovations proposed for the site. He commented one neighbor was interested in assisting with the landscaping along the rear property line. He then reviewed the proposed exterior improvements in further detail stating the site would be much more welcoming once the work was complete.

Linda Fish, 21401 Vail Street in Cedar, indicated she grew up in Coon Rapids. She discussed the service and outreach that would be provided to the community by North Point Church.

Chair Geisler closed the public hearing at 6:59 p.m.

Commissioner Naeve questioned if the conditional use permit requirements would remain in place if another church or business were to relocate onto the property. Assistant City Attorney Johnson stated this was the case.

Chair Geisler stated the proposed place of worship would be a great use for this site. Her only concern was with the ten year time limit that was being allowed to bring the property into compliance.

Commissioner Naeve explained she had the same concern.

Commissioner Schwartz did not recall the Planning Commission ever allowing a ten-year time period for a property to be brought into compliance. He was not comfortable with stretching this out to ten years.

Chair Geisler recalled allowing for extensions through seasons when necessary, but she too was surprised by the proposed ten year timeframe. She was in favor of having the front landscaping completed sooner than later.

Commissioner Naeve recommended the applicant submit a landscaping plan to the City with dates for the proposed improvements.

Chair Geisler requested the foundation plantings in this plan be required to be completed in 2014.

Commissioner Naeve questioned where staff came up with the ten year time period. Planner Harlicker stated this was a compromise reached with the applicant.

Community Development Director Nevinski reported the stormwater management issues would be addressed when the parking lot was redone.

Chair Geisler stated the amount of parking available onsite would allow for 132 seats. She questioned why staff was recommending the church be allowed to have 200 seats. Planner Harlicker reviewed the current number of parking spaces available, stating there were 39 existing spaces and 11 to the rear of the building.

Chair Geisler questioned what would be a reasonable timeline to bring the parking lot and site into compliance with City Code.

Commissioner Stephenson asked if the conditional use permit could be amended in the future if another church or office use were to relocate onto this site. Community Development Director Nevinski stated a conditional use permit could be amended if the needs of a property were to change.

Chair Geisler stated if the Commission was to proceed with an extended time period that this would remain with the property and not simply with the applicant. She expressed concern that precedence could be set by the Commission for future extension requests on non-conforming properties.

Commissioner Lipinski questioned if a time period could be extended. Assistant City Attorney Johnson indicated that all conditional use permits could be amended and would require review and approval by the Planning Commission.

Commissioner Schwartz requested further information on the rear parking area and how this area would be improved. Mr. Touchette commented the parking behind the fence was in poor condition. He explained the church was proposing to have this area repaired and replaced as soon as possible. This parking would not be utilized until the surface was improved. He further discussed the proposed improvements for the site both interior and exterior. He indicated the church district office was only willing to assist with a portion of the financing, which led the church to request the 10 year time period for the parking lot improvements. He commented the church had no problem with completing the mowing, sidewalk and foundation plantings in 2014.

Commissioner Stevens stated the 10 years still seemed excessive to her, but she suggested the Commission review which items would be completed within the next several years.

Commissioner Lattimore indicated the 10 year timeframe was too long for him to support. He recommended the site be brought in to compliance in two years. He reported the applicant could always come before the Commission and request an extension if necessary.

Commissioner Lattimore requested further information on how the fence would be improved. Mr. Touchette commented the fence along the railroad would be completely replaced while the fence within the parking lot would be removed, as it serves no purpose. He understood that the requested 10 years was a long time, but in the scheme of things, it would allow the congregation time to manage the numerous challenges on the site.

Commissioner Lattimore suggested Condition 5 be amended to coincide with the proposed improvements by the applicant.

Assistant City Attorney Johnson expressed concern that the Planning Commission was holding a site plan review of the proposed conditional use permit without a site plan. He indicated the Planning Commission was not in the business of redesigning buildings. He reported landscaping plans were not typically included with conditional use permit requests.

Chair Geisler stated this may be the case; however, there were concerns with getting the parking lot into compliance with City Code, which requires landscaping. Assistant City Attorney Johnson recommended the Commission put in the blanket condition stating the applicant shall apply with Title 11 of the City Code, to ensure that the property properly aligns with City Code.

Chair Geisler explained that at this point, the Commission did not support the recommendation of staff with the proposed timeframe, and she was seeking options the Commission was comfortable with to approve the conditional use permit.

Commissioner Naeve asked if any of the existing parking met City Code requirements. Community Development Director Nevinski commented there were a few locations where the parking met the setback requirements.

Commissioner Naeve questioned if the Commission was in favor of the proposed use occupying the building while also allowing the non-conforming issues to remain in place, for up to 10 years.

Commissioner Schwartz stated he would be reluctant to expand the compliance timeframe beyond 18 months.

Commissioner Stephenson suggested the Commission table action on this item and allow the applicant additional time to speak with staff regarding the conditional use permit and parking issues.

Mr. Touchette recognized the difficulty of the church's request. He discussed the unique circumstances of the site commenting these circumstances were not created by the applicant. He reported the expansion of Hanson Boulevard made the existing parking lot non-conforming. He expressed concern that the City would be requiring the church to install a \$100,000 parking lot in order to occupy the space. He discussed how this expense would greatly devalue the property.

Commissioner Stevens inquired if there was a way to establish language that would allow for an extended timeframe for this case without setting precedence.

Chair Geisler commented that perhaps the expansion of Hanson Boulevard could be referred to in this case, as this road construction project created the non-conforming parking lot. She stated that perhaps the conditional use permit could be approved requiring the building and landscaping be brought into compliance. She recommended this be reviewed further by staff prior to the Commission taking action on this case.

Commissioner Stephenson agreed with this suggestion.

Commissioner Naeve clarified that this property does have land available for additional parking.

Assistant City Attorney Johnson encouraged the Commission to limit the case to facts, which Chair Geisler was suggesting. He indicated the previous property owner would have been compensated by the County for the lost right-of-way, which created a non-conforming parking lot. He stated a phased site plan would be an option for this Planning Case and could be offered as a condition for approval. He explained the City could assist with this process. He recommended the Planning Commission then review the case in 24 or 36 months to assess how the applicant was progressing on the phased site plan.

Chair Geisler questioned if the applicant would like for the Commission to take a vote on the conditional use permit or table action to the next Planning Commission meeting.

Mr. Touchette stated the church was looking for a positive outcome and he was willing to work with staff to demonstrate the uniqueness of this site. He respectfully requested the Commission table action on this item and allow the church additional time to work with staff.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER SCHWARTZ, TO TABLE ACTION ON PLANNING CASE 13-30 TO THE DECEMBER 19, 2013 PLANNING COMMISSION MEETING CONDITIONED ON THE APPLICANT WAIVING THE 60 DAY RULE. THE MOTION PASSED UNANIMOUSLY.

J.K. Strand, 4343 Juno Lane North in Plymouth, explained he was the Assistant Pastor at North Point Church. He indicated he has been in ministry for the past 50 years and church planning for the past 30 years. He commented this church planned to grow and through this growth, more money would be available. He thanked the Commission for their time and consideration this evening.

4. PLANNING CASE 13-29 – ORDINANCE AMENDMENT TO ADD SECTION 11-1600 ALTERNATIVE ENERGY SOURCES AND SYSTEMS – PUBLIC HEARING

It was noted the applicant is requesting an Ordinance amendment to establish Section 11-1600 Alternative Energy Sources and Systems and requirements governing wind energy conversion systems.

Chair Geisler opened and closed the public hearing at 7:53 p.m., as no one wished to address the Planning Commission.

Chair Geisler discussed several typos within the Code language. She recommended that Item H be reworded to ensure that WAC's are 15 feet from any structure for safety purposes. She recommended that staff review the language discussing building mounted WAC's.

Commissioner Stephenson suggested Item I be revised. Assistant City Attorney Johnson advised he would review this language.

Chair Geisler stated the total height allowable was described within the proposed code for each zoning district. She questioned if a definition should be included within the document for clarification. Planner Harlicker noted a definition was included on the last two pages of the document.

Commissioner Naeve was in favor of the code having additional language addressing building mounted WAC's. Planner Harlicker stated this would be addressed by State building code.

Commissioner Stephenson proposed the Commission discuss this code in further detail at a future work session meeting, given the number of concerns with the language.

Chair Geisler agreed with this suggestion.

Commissioner Naeve requested staff provide the Planning Commission with additional codes to review prior to the work session meeting.

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER LIPINSKI, TO TABLE ACTION ON PLANNING CASE 13-29 TO A FUTURE WORK SESSION MEETING. THE MOTION PASSED UNANIMOUSLY.

5. CASE 13-27 – CODE CHANGE TO TITLE 11 REGARDING JUNK VEHICLES, NUMBER OF TRAILERS ALLOWED AND MINIMUM NUMBER OF STACKING SPACES FOR A DRIVE THRU WINDOW– PUBLIC HEARING

It was noted the applicant is requesting the Planning Commission consider a code change to address several Zoning Code issues relating to junk vehicles, number of trailers allowed and number of stacking spaces for a drive thru window.

Chair Geisler opened and closed the public hearing at 8:07 p.m., as no one wished to address the Planning Commission.

MOTION BY COMMISSIONER LATTIMORE, SECONDED BY COMMISSIONER STEVENS, TO APPROVE PLANNING CASE 13-27, THE CODE CHANGE FOR THE FOLLOWING:

1. AMEND THE SECTION 11-201 DEFINITION OF JUNK VEHICLE TO INCLUDE THE REQUIREMENT THAT CURRENT REGISTRATION MUST BE DISPLAYED AND 20 DAY TIME PERIOD FOR REPAIR WORK ON A VEHICLE.
2. ADD REGULATIONS FOR THE STORAGE OF JUNK VEHICLES TO SECTION 11-801.6 THE INDUSTRIAL DISTRICT.
3. AMEND SECTION 11-601.3 TO REMOVE THE STANDARD FOR TOTAL NUMBER OF TRAILERS ALLOWED AND AMEND SECTION 11-601.4 TO ADD THE STANDARD FOR TOTAL NUMBER OF TRAILERS ALLOWED.
4. AMEND SECTION 11-1207.7(4) TO ADD MINIMUM NUMBER OF STACKING SPACES FOR DRIVE THRU SERVICE WINDOWS.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the December 3, 2013 City Council meeting.

OTHER BUSINESS

Community Development Director Nevinski provided an update on current development.

ADJOURN

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER SCHWARTZ, TO ADJOURN THE MEETING AT 8:14 P.M. THE MOTION PASSED UNANIMOUSLY.

Recorded and Transcribed by,
Heidi Guenther
Planning Commission Recording Secretary